

Decision No. 74744

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern Pacific Company for apportionment of maintenance costs of automatic protection at Gonzales Road, Crossing No. E-406.3, at or near City of Oxnard, Ventura County, California.

Application No. 50134  
(Filed April 2, 1968)

O P I N I O N

The Southern Pacific Company (Railroad) requests an order from this Commission apportioning between it, the City of Oxnard (City), and the County of Ventura (County) the annual maintenance costs of the automatic grade crossing protective devices at its Gonzales Road crossing (Crossing No. E-406.3) in the County, at or near the City.

On February 25, 1965, the Railroad, the City and the County executed an agreement for the installation by the Railroad of automatic grade crossing protective devices at the Gonzales Road grade crossing. The agreement provided that the cost of construction and installation of the automatic grade crossing protection should be apportioned 50 percent to the Railroad, 25 percent to the City, and 25 percent to the County, and that:

"After the installation of said signals has been completed Railroad shall maintain said signals so long as same may remain in place. The cost of maintaining said crossing signals and appurtenances shall be apportioned between the parties as may be prescribed by law or by agreement of the parties hereto. In the event there shall be no applicable law or agreement so apportioning such costs by March 31, 1965, the parties will submit the apportionment of such maintenance expense to the decision of the Public Utilities Commission of the State of California."

The improved crossing protection was installed voluntarily by the parties (General Order No. 88).

The application alleges that the signal installation which was the subject of the agreement was commenced on February 25, 1965; that the signal installation was completed and placed in service on December 2, 1965; that approximately 248 hours of work were performed prior to October 1, 1965; and that approximately 260 hours of work were performed on and after October 1, 1965.

Section 1202.2 of the Public Utilities Code, added in 1965, provides:

"In apportioning the cost of maintenance of automatic grade crossing protection constructed or altered after October 1, 1965 under Section 1202, as between the railroad or street railroad corporations, and the public agencies affected, the Commission shall divide such maintenance cost in the same proportion as the cost of constructing such automatic grade crossing protection is divided . . ."

By Decision No. 72226 dated March 28, 1967, the Commission apportioned maintenance costs on the same percentage basis as construction costs in two instances where part of the alteration of crossing protection was done prior to October 1, 1965 and the work was completed after said date.

The Ventura County counsel and the Oxnard City Attorney have advised the Commission in writing that they have no objection to the apportionment of maintenance costs on the same basis as the installation costs.

We find that:

1. The division of construction costs of the crossing protective devices at the Gonzales Road crossing, as set forth in the agreement of February 25, 1965, is reasonable and is hereby approved.

2. The maintenance costs of the crossing protective devices at the Gonzales Road crossing should be apportioned 50 percent to the Southern Pacific Company, 25 percent to the City of Oxnard, and 25 percent to the County of Ventura in accordance with Section 1202.2 of the Public Utilities Code.

We conclude that the said maintenance costs should be apportioned as set forth in the order herein.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that the cost of maintaining the automatic protection specified in the agreement of February 25, 1965 between the Southern Pacific Company, the City of Oxnard, and the County of Ventura is apportioned on the basis of 25 percent to be paid by the County of Ventura, 25 percent to be paid by the City of Oxnard, and 50 percent to be paid by the Southern Pacific Company, said apportionment to be of all maintenance costs commencing on December 2, 1965. Said apportionment is made pursuant to the

provisions of Section 1202.2 of the Public Utilities Code and allows participation by the County of Ventura and the City of Oxnard in the fund established pursuant to Section 1231.1 of the Public Utilities Code.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 1<sup>st</sup> day of OCTOBER, 1968.

William Aguayo Jr.  
President

John E. Mitchell

Stallman B. Burnett

Augusta

Fred P. Morasse  
Commissioner